

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated September 22, 2009 has been received and its contents carefully reviewed.

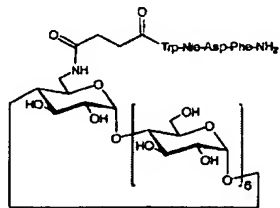
Claims 1, 3, 5, 8, 10, 11-13, 17, and 20 are hereby amended. Claim 7 is canceled without prejudice or disclaimer. Claims 27-28 are newly added. Accordingly, claims 1-6 and 8-28 are currently pending, of which claims 17-26 are withdrawn from consideration. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejects claims 3, 5, and 10-13 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have amended claims 3, 5, and 10-13 and added new claims 27-28 to more clearly define claimed subject matter. Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 3, 5, and 10-13.

The Office Action rejects claims 1-4, 6, 14, and 15 under 35 U.S.C. §102(b) as being anticipated by Schaschke, N. et al. JACS (1998) Vol. 120, pp 7030-7038 (*Schaschke*). Applicants respectfully traverse the rejection.

As required in M.P.E.P. § 2131, in order to anticipate a claim under 35 U.S.C. § 102, “the reference must teach every element of the claim.” *Schaschke* fails to teach all the elements of claims 1-4, 6, 14, and 15, and thus cannot anticipate these claims.

Claim 1 recites a cyclodextrin derivative comprising a R1 group corresponds to formula (II): $-\text{NH}-\text{E}-\text{AA}-(\text{L}^1)_p(\text{L}^2)_q$ (II), wherein L^1 and L^2 “correspond to formula (IV): $-\text{G}^2-\text{Y}$, in which G^2 represents a $-\text{CO}-$, $-\text{NH}-$ or $-\text{NR}-$ group where R is an C_1 to C_6 alkyl group, while Y represents a C_8 to C_{18} linear alkyl chain.” *Schaschke* fails to teach the cyclodextrin derivative of



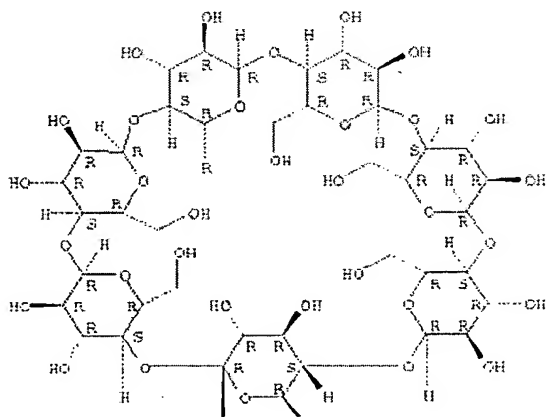
claim 1. *Schaschke* discloses compound 1:

. Compound 1 includes a

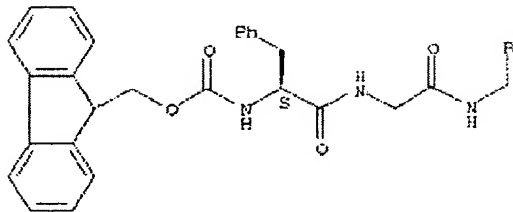
group: $\text{-NH-CO-CH}_2\text{CH}_2\text{-CO-Trp-Nle-Asp-Phe-NH}_2$. This group does not include a C_8 to C_{18} linear alkyl chain. Thus, *Schashke* does not teach the cyclodextrin derivative of claim 1. Accordingly, claim 1 is allowable over *Schashke*. Claims 2-4, 6, 14, and 15 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-4, 6, 14, and 15.

The Office Action rejects claims 1, 4, 5, 6, 9, 14, and 15 under 35 U.S.C. §102(b) as being anticipated by Djedaieni-Pilard F. et al. JCS Perkin Trans. 2: Phys. Org. Chem. (1985) Vol. 4, pp 723-730 (*Djedaieni-Pilard*). (The Office only provided the Caplus abstract.) Applicants respectfully traverse the rejection.

Claim 1 recites a cyclodextrin derivative comprising a R1 group corresponds to formula (II): $\text{-NH-E-AA-(L}^1\text{)}_p\text{(L}^2\text{)}_q$ (II), wherein L^1 and L^2 “correspond to formula (IV): $\text{-G}^2\text{-Y}$, in which G^2 represents a -CO- , -NH- or -NR- group where R is an C_1 to C_6 alkyl group, while Y represents a C_8 to C_{18} linear alkyl chain.” *Djedaieni-Pilard* fails to teach the cyclodextrin derivative of claim 1. *Djedaieni-Pilard* discloses a cyclodextrin derivative:



, which includes a substituent group:

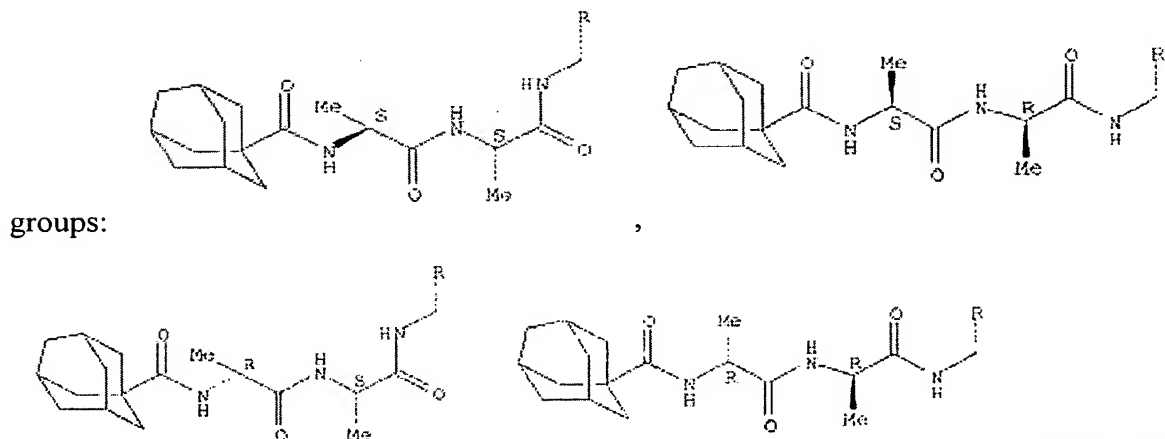


This substituent group does not include a C_8 to C_{18} linear alkyl chain. Thus, *Djedaieni-Pilard* does not teach the cyclodextrin derivative of

claim 1. Accordingly, claim 1 is allowable over *Djedaieni-Pilard*. Claims 4, 5, 6, 9, 14, and 15 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1, 4, 5, 6, 9, 14, and 15.

The Office Action rejects claims 1, 4, 6, 7, 9, 14, and 15 under 35 U.S.C. §102(b) as being anticipated by Nonomura, T. et al. *Peptide Science* (2002) Vol. 38, pp 269-272 (*Nonomura*). (The Office only provided the Caplus abstract.) Claim 7 is canceled, so the rejection of claim 7 is moot. Applicants respectfully traverse the rejection of claims 1, 4, 6, 9, 14, and 15.

Claim 1 recites a cyclodextrin derivative comprising a R1 group corresponds to formula (II): $-NH-E-AA-(L^1)_p(L^2)_q$ (II), wherein L^1 and L^2 “correspond to formula (IV): $-G^2-Y$, in which G^2 represents a $-CO-$, $-NH-$ or $-NR-$ group where R is an C_1 to C_6 alkyl group, while Y represents a C_8 to C_{18} linear alkyl chain.” *Nonomura* fails to teach the cyclodextrin derivative of claim 1. *Nonomura* discloses cyclodextrin derivatives, which have the following substituent



. These substituent groups include cycloalkyl group, but not a C_8 to C_{18} linear alkyl chain. Thus, *Nonomura* does not teach the cyclodextrin derivative of claim 1. Accordingly, claim 1 is allowable over *Nonomura*. Claims 4, 6, 9, 14, and 15 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1, 4, 6, 7, 9, 14, and 15.

Applicants believe the application is in condition for allowance and early, favorable action is respectfully solicited.

Withdrawn claims 17-26 depend from claim 1 and incorporate all the elements of claim 1. Applicants respectfully request that the Office rejoin withdrawn claims 17-26 when the Office finds the pending claims are in condition for allowance.

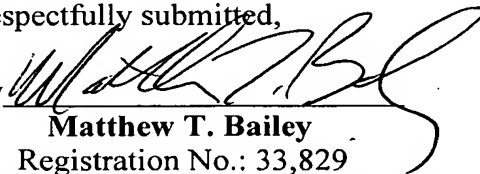
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: February 22, 2010

Respectfully submitted,

By



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